

Amendments to the Claims

Claim 1 (currently amended): A seat back for a chair comprising:

a support panel to contact a seated person; and

a flap portion, the flap portion extending from a top of the support panel and folding over the top and toward a back of the support panel, the flap portion capable of having indicia attached thereto, wherein the flap portion is not secured to a back of the chair but stands away from the back of the chair presenting indicia attached to the flap portion to a person seated behind the chair fitted with the seat back.

Claim 2 (original): The seat back of claim 1, wherein said seat back further comprises a back panel.

Claim 3 (currently amended): The seat back of claim 1, wherein said indicia are attached to said flap portion by hook and loop fasteners.

Claim 4 (currently amended): The seat back of claim 1, wherein said indicia are attached to said flap portion by elasticized loops.

Claim 5 (currently amended): The seat back of claim 1, wherein said flap portion has at least one pocket to attach said indicia to said flap portion.

Claim 6 (currently amended): The seat back of claim 1, wherein said flap portion has a transparent window affixed to said flap portion to attach said indicia to said flap portion.

Claim 7 (currently amended): The seat back of claim 1, wherein said flap portion is further capable of having an item attached thereto.

Claim 8 (currently amended): The seat back of claim 7, wherein said flap portion has a transparent window affixed to said flap portion to attach said indicia to said flap portion and at least one pocket to attach at least one item to said flap portion.

Claim 9 (original): A seat back for a chair comprising:

 a support panel to contact a seated person;
 a back panel opposite the support panel forming an envelope; and
 a flap portion formed by the support panel and the back panel, the flap portion extending from a top of the support panel and the back panel and folding over the top and toward a back panel, the flap portion having a transparent window affixed thereto to receive and display indicia.

Claims 1-9 are currently pending in this application. By this response, applicants amend claims 1 and 3-8. Therefore, all claims are presented to the Examiner for consideration.

Claim 4-6 have been objected to for having no definite antecedent basis for the term "said flap." Applicant has amended all claims to recite a "flap portion" as claimed in line 3 of claim 1. Reconsideration and withdrawal of the objection is respectfully requested.

The drawings have been objected to for failing to show the features claimed in claims 3 and 4. Applicants submit herewith proposed FIG. 6 showing that indicia can be attached to the flap portion of the subject invention by hook and loop fastener 32 and elasticized loops 34. Applicants state that no new matter has been added in this new proposed figure.

Claims 1 and 2 have been rejected under 35 U.S.C. §102(b) over Middleton. Middleton describes a waterproof seat cover to protect a car seat from wet, water sports enthusiasts. The seat cover of Middleton has a head rest panel that extends from the top of the main panel. This head rest panel covers the head rest portion of a car seat or, if the car seat does not have a head rest, folds over the top of the seat resting on the seat's back rest portion. The head rest flap of the seat cover of Middleton does not stand away from the back of the seat presenting the panel to those seated behind it. If the head rest panel of Middleton did stand away from the back rest portion it would be ineffective in protecting the seat. The amended claims explain that the flap portion of the seat back of the subject invention is not attached to the back of the supporting chair but stands away from the back of the chair to present indicia attached thereto to those seated behind the chair having the seat back. In view of the foregoing, and the amendments to the claims, applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 3-8 have been rejected under 35 U.S.C. §103(a) over Middleton in view of Waters. Waters describes a decorative slipcover for a folding chair. The slipcover allows trim accessories, including an adorned back panel, to be added to the chair. The back panel can be adorned with a place card holder which is a transparent window pocket. The Office Action states it would have been obvious to include the transparent window pocket of Waters on the head rest panel of Middleton to facilitate display of indicia. Middleton does not describe the flap portion of the subject invention which stands away from the back of the chair. Indicia added to the head rest panel of

Middleton would not be held out and presented to someone seated in the car's backseat. Thus, alone or in combination, the cited references do not suggest or describe the subject invention. Reconsideration and withdrawal of the rejection based on these references is respectfully requested.

Applicants appreciate the Examiner's indication that claim 9 is allowable. In view of the foregoing remarks and the amendments to the claims, applicants believe that the remainder of the claims are now in condition for allowance and such action is respectfully requested.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Attachments: One (1) replacement sheet of drawings